

REMARKS

By this amendment, claims 110-131 are pending, in which claims 1-109 were earlier canceled without prejudice or disclaimer.

The Office Action mailed November 16, 2007 rejected claims 110-114 and 120-131 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) in view of *Picard et al.* (US 6,233,318), and claims 115-119 as obvious under 35 U.S.C. § 103 based on *Miller* (US 4,930,152) and *Picard et al.* (US 6,233,318) in view of *LaVallee et al.* (US 5,181,236).

In addition, the Examiner objected to claims 111-114, 121-124, 130, and 131 for “informalities” in using “A” instead of “The” in the dependent claims. Applicants respectfully traverse the Examiner’s objection to claims 111-114, 121-124, 130, and 131 for “informalities.” Applicants perceive nothing wrong with the current claim language whereby a dependent claim refers to a preceding claim by “A method” or “A node” or “A system,” and then proceeds to further limit that method, node or system. The use of “A” rather than “The” still refers to the preceding method, node, or system and then further limits that method, node, or system in a proper dependent form. There is clearly nothing improper with the current claim language with regard to 35 U.S.C. § 112, second paragraph, as the Examiner has not entered a rejection of the claims. Rather, the Examiner has objected to the claim language because of “informalities,” but does not give any reason as to why these claims are deemed “informal.” Merely because the Examiner has an unsupported preference for “The” over “A” is not a proper objection. Accordingly, the Examiner is respectfully requested to withdraw this objection to the dependent claims.

As for the rejection of claims 110-114 and 120-131 as obvious under 35 U.S.C. § 103, this rejection is respectfully traversed for the reasons set forth in the Appeal Brief of September 24, 2007. That is, independent claim 110 requires, *inter alia*, “generating textual information

based on the received voicemail message,” independent claim 115 requires, *inter alia*, “a speech processor configured to generate textual information based on the voicemail message,” independent claim 120 requires, *inter alia*, “transmitting the voicemail message to a speech processor for conversion of the voicemail message to a different media, wherein the media is forwarded to a device specified by the user,” and independent claim 125 requires, *inter alia*, “wherein the voicemail message is transmitted to a speech processor for conversion of the voicemail message to a different media, the media being forwarded to a device specified by the user.” *Miller* lacks a teaching of a voicemail message and the generation of textual information based on a received voicemail message and sending the textual information to a device, and this is not in dispute. However, it is the Examiner’s position that *Picard et al.* teaches these deficiencies of *Miller*, specifically referring to col. 9, lines 2-6, and col. 13, lines 45-49, of *Picard et al.*

Neither *Miller* nor *Picard et al.* discloses, teaches or suggests the claimed feature of “generating textual information based on the received voicemail message” or the “conversion of the voicemail message to a different media.” The abstract of *Picard et al.* recites that “For text type messages, such as facsimile and e-mail, the system converts the text into speech and plays the speech to the telephone user.” Yet, it says nothing about converting a voicemail message into text based on the received voicemail message. Thus, *Picard et al.* does not contemplate “generating textual information based on the received voicemail message,” as claimed.

Col. 9, lines 2-6, of *Picard et al.*, relied on by the Examiner, states that

When the destination is not the same IMS the message is format converted as needed. Forwarding to another mailbox on the same IMS is implemented in the same way as for voice and facsimile, and operates independently of data type.

For a clearer understanding of this cited portion of the reference, it is best to go back to col. 8, line 55 *et seq.*, of *Picard et al.* The reference states thereat that “Speech-to-text, or voice recognition, is also a means to send text messages from a conventional telephone...” Applicants do not deny that voice recognition, or speech-to-text conversion, *per se*, was known prior to the present invention. However, there is nothing in this portion of *Picard et al.* indicating that the “text” was generated “based on the received voice mail message.” In fact, when *Picard et al.* mentions sending text from a conventional telephone, there is no indication of a voicemail message at all. Therefore, the logical assumption is that this refers to “real-time” speech on the telephone being converted to a text message on the receiving end, as, for example, on a PC or facsimile machine. In any event, there is no indication in *Picard et al.* that any text is generated “based on the received voicemail message.” *Picard et al.* then goes on to describe forwarding, i.e., the deposit of a copy of a message in a different mailbox. See col. 8, lines 62 *et seq.*, where the reference describes forwarding of a “non-voice” message “because when the message **does not need to be converted to voice**, such as for facsimile messages, the message can be sent either to another mailbox, or to a subscriber-entered facsimile telephone number...” Thus, it appears that the incoming message is already in text form because if the message were already in voice, it would never need to be converted to voice. Therefore, *Picard et al.* cannot be suggesting the generation of textual information “based on the received voicemail message” because the received message in *Picard et al.* is not a voicemail message. The reference continues its description onto col. 9, describing the use of the invention for “other data types (video).” Of course video is not a voicemail message and still does not suggest the presently claimed subject matter.

When the reference comes to the portion cited by the Examiner, i.e., col. 9, lines 2-6, stating that “when the destination is not the same IMS the message is format converted as

needed,” there is absolutely no suggestion that the format conversion referred to by *Picard et al.* is the generation of textual information **based on a received voicemail message**, as required by the present claims. At col. 13, lines 45-49, of *Picard et al.*, also cited by the Examiner, the following is recited:

If the message is native voice or facsimile, and the recipient address is not a phone number, the message is sent to the EMS 66, with the data converted to a MIME audio or image/tiff type.

This portion of *Picard et al.* refers to a conversion of a native voice or facsimile to an audio or image format. It does not suggest anything about generating “textual information” **based on a received voicemail message**. Thus, while *Picard et al.* may relate to format converting when a destination is not the same integrated messaging system and it may relate to the forwarding of messages to other mailboxes, it clearly does not suggest the generation of textual information **based on a received voicemail message**, as required by the present claims. At page 2 of the Office Action of November 16, 2007, the Examiner asserts that *Picard et al.* “teaches that if the destination is a fax machine or PC but the incoming message is a voice message then the voice message is converted into text message such that the fax machine or PC can receive the text message. Therefore, it is clear that the textual content in *Picard et al.* is generated based on the received voicemail message” [sic]. Applicants respectfully disagree. It is not clear at all that the textual content in *Picard et al.* is generated **based on the received voicemail message** because *Picard et al.* mentions nothing about a received voicemail message. Again, what the reference does say, e.g., col. 13, lines 45-49, is that if the message “is **native voice** or facsimile,...” “Native voice” refers to a natural, real-time speaking voice and there is nothing in *Picard et al.* to suggest that this refers to voicemail messages, which infers at least a storage of a voice message. There is no indication that these “native voice” messages of *Picard et al.* are stored in any manner. The present claims recite “voicemail messages” to be received from a

voicemail system. This is not met by a teaching of “native voice”; and the Examiner has shown no evidence to the contrary.

Moreover, *arguendo*, even if the references teach what the Examiner alleges them to teach, there would have been no reason to make the combination of *Miller* and *Picard et al.* The Examiner seeks to modify *Miller* with the teachings of *Picard et al.* in order to have *Miller* generate textual information based on a received voicemail message and then send the textual information to a device. The Examiner’s rationale, *in toto*, for making this modification is “in order to send message to particular destination of different format” [sic, Office Action of Nov. 16, 2007, page 6]. However, *Picard et al.* already generally teaches sending messages of different formats to particular locations, so this is no reason for leading a skilled artisan to make the combination suggested by the Examiner. The Examiner’s rationale does not explain why the references would have been modified to provide for the generation of textual information “based on the received voicemail message,” as claimed. The Examiner’s rationale is devoid of any reasoning for establishing any relationship between generated textual information and a received voicemail message.

Since neither reference teaches or suggests the claimed transmission of a voicemail message “to a speech processor for conversion of the voicemail message to a different media,” as claimed, the rejection of claims 110-114 and 120-131 under 35 U.S.C. § 103 is improper and the Examiner is respectfully requested to withdraw same.

Specifically with regard to independent claims 115, 120 and 125, the Examiner relies on the same portions of *Picard et al.* as relied on for the rejection of independent claim 110. While *Picard et al.* discusses a conversion to a MIME audio format, it is silent as to any “speech processor, as positively recited in claims 115, 120, and 125, i.e., a speech processor for conversion of the voicemail message to a different media (e.g., claim 20).

The Examiner asserts, at page 3 of the Office Action of Nov. 16, 2007, that col. 9, lines 2-6, and col. 13, lines 45-49, of *Picard et al.* “teaches that if the destination is not receiving the same format as the incoming message format then, the message is converted into that format. There must have a converter [sic] to convert the incoming message format into receiving device message format and this converter is the claimed ‘speech processor’.” Further, the applicant did not claim the actual physical location of the speech processor.”

As explained above with regard to claim 110, *Picard et al.* does not teach or suggest the conversion of a voicemail message to text based on that voicemail message. Accordingly, the Examiner’s conclusion that *Picard et al.* somehow teaches this from a general suggestion of format converting a message at col. 9, lines 2-6, is pure speculation based on impermissible hindsight and not based on any teaching or suggestion of the applied references. Moreover, with regard to the Examiner’s comment that Applicants “did not claim the actual physical location of the speech processor,” the actual “location” of the speech processor is of no moment with regard to the present claims.

With regard to the rejection of claims 115-119, the Examiner adds *LaVallee et al.* to the combination of *Miller* and *Picard et al.* However, *LaVallee et al.* fails to provide for the deficiencies of these references as described above. *LaVallee et al.* is relied upon for a supposed teaching of an automated call distributor. Therefore, the rejection of claims 115-119 under 35 U.S.C. § 103 is also improper and the Examiner is respectfully requested to withdraw the rejection of claims 115-119 under 35 U.S.C. § 103.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

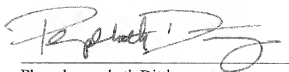
undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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2/15/08
Date



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